

Minutes of January 22, 2004 Meeting
25541 Barton Road
Loma Linda

1. Chair Beswick called the meeting to order at 9:20 a.m.

Board Members Present

Board Members Absent

Carole Beswick, Chair
Fred Ameri, Vice-Chair
Jose Solorio
Seymour Van Gundy
John Withers
Joan Dotson
William Ruh

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Michael J. Adackapara, Supervising Water Resource Control Engineer
Robert L. Holub, Supervising Water Resource Control Engineer
Joanne E. Schneider, Environmental Program Manager
Hope A. Smythe, Chief, Basin Planning (Inland Waters)
Kenneth R. Williams, Chief, Underground Storage Tanks
Jorge León, Office of Chief Counsel
Barbara Laffoon, Executive Assistant
Catherine A. Ehrenfeld, Staff Services Analyst

State Board Representative

There was none present.

Public Attendance

Ken Jeske, City of Ontario
Rod Cruze, City of Riverside
Jennifer Herndon, Environmental Law
Susan M. Trager, City of Rialto
Julius Ma
Rick Rees, Geomatrix
John Rossi, Chino Basin Watermaster
Karen Lopez, UCR Student
Chuck Miller, USA Gasoline
Nicholas Crain, UCR Student
Mark Norton, SAWPA
Pete Hall, Chino Institute for Men
Virginia Grebbien, Orange County Water District
Ian Balron, UCR Student
Mary Hambel, RBF Consulting
Greg Woodside, Orange County Water District
John O'Donnell, Corona DWP
Anne Briggs, Eastern Municipal Water District
Rich Atwater, Inland Empire Utilities Agency
Ranjiv Goonetilleke, Southern California Gas Company

2. Public Forum

There were no speakers.

3. Approval of minutes of the Regular Meeting of November 21, 2003

Action: It was moved by Member Van Gundy, seconded by Member Ruh and unanimously approved that the Minutes of the November 21, 2003 meeting be approved as presented.

4. Consent Calendar

It was noted that Item No. 6 (Order No. R8-2004-0003) had been postponed and Item No. 7 (Order No. R8-2004-0007) had errata.

*5. Renewal of Waste Discharge Requirements, Elsinore Valley Municipal Water District, Canyon Lake Water Treatment Plant, Riverside County (NPDES No. CA8000392) —Order No. R8-2004-0004

*7. Renewal of Waste Discharge Requirements, Big Bear Municipal Water District, San Bernardino County (NPDES No. CA8000396), Order No. R8-2004-0007

*8. Amend Waste Discharge Requirements, Inland Empire Utilities Agency, Regional Plant No. 5, San Bernardino County, Order No. R8-2003-0003 (NPDES No. CA8000402), Order No. R8-2004-0006

*9. Amend Waste Discharge Requirements, City of Riverside, Regional Water Quality Control Plant, Riverside County, Order No. 01-3 (NPDES No. CA0105350), Order No. R8-2004-0005

Action: It was moved by Member Withers, seconded by Member Ruh and unanimously approved that the Board adopt Orders No. R8-2004-0004, R8-2004-0006, and R8-2004-0005 as presented and R8-2004-0007 with errata.

10. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement – James Lotito, Mill Creek Cattle Station commercial building project

This item was postponed.

11. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement – Mr. & Mrs. Dehart, Hemet, Riverside County

This item was removed from the agenda.

12. Public Hearing, Basin Plan Amendment, Nitrogen and Total Dissolved Solids Management in the Santa Ana Region Resolution No. R8-2004-0001

Information pertaining to this item is contained in a verbatim transcript.

The background and response to comments were presented by Hope Smythe, Chief of the Basin Planning (Coastal Waters) Section.

Mark Norton, SAWPA, and Tim Moore of Risk Sciences addressed the Board. Mr. Moore described the very lengthy and thorough process taken by the members of the task force to create a consensus for the amendment.

Virginia Grebbien, General Manager of the Orange County Water District, John Rossi, CEO, Chino Basin Watermaster, Richard Atwater, Inland Empire Utilities Agency, Mark Kinsey, General Manager of Monte Vista Water Company, and Ken Jeske, Public Works Director for the City of Ontario commented on the proposed item. Some commentators requested a postponement of Board action until the next meeting to allow discussion and approval of specific language pertaining to the implementation of Chino Basin desalters.

Mr. Thibeault described the errata to the proposed Basin Plan amendment.

After discussion, it was determined that concerns of those requesting postponement had been adequately addressed by the errata.

Action: It was moved by Member Solorio, seconded by Member Dotson and unanimously approved that the Board adopt Resolution No. R8-2004-0001 as amended by the errata sheet and with the subsequent suggested amendments, which were:

Page 74, No. 4, first paragraph, change "a schedule for.." to "the schedule for.."

Page 74, No. 4, second paragraph, delete "with or without cooperation [sic] of the Chino Basin Watermaster" and replace with "and/or Chino Basin Watermaster and/or other responsible parties deemed acceptable by the Executive Officer."

Page 77, last paragraph, change the sentence that begins "IEUA and the Watermaster have committed to initiate the building...." to read as follows: "The IEUA/Chino Basin Watermaster maximum benefit proposal commits to the initiation of construction..."

Page 77, last paragraph, delete the sentence "Alternatively, additional desalter facilities could be constructed by the Chino Basin Watermaster, pursuant to the Peace Agreement to meet this IEUA desalting requirement." In place of this sentence add: "This desalter may be constructed by IEUA and/or Chino Basin Watermaster and/or other responsible parties deemed acceptable by the Executive Officer."

13. Administrative Civil Liability Complaint, KDG Investments/Sampson Industrial Park, Inc., Orange County Order No. R8-2004-0018

This item was postponed.

14. Administrative Civil Liability Complaint, Union Pacific Railroad, San Bernardino County Order No. R8-2004-0016

This item was postponed.

15. Administrative Civil Liability Complaint, Southwest School & Office Supply, San Bernardino County Order No. R8-2004-0015

The Board was advised that the liability had been paid and the discharger waived its right to a hearing. No further Board action was required.

16. Mandatory Penalties Complaint, Inca Plastics Molding Company, Inc., San Bernardino County Order No. R8-2004-0014

The Board was advised that the liability had been paid and the discharger waived its right to a hearing. No further Board action was required.

17. Mandatory Penalties Complaint, Androp Packaging, Inc., San Bernardino County —Order No. R8-2004-0013

The Board was advised that the liability had been paid and the discharger waived its right to a hearing. No further Board action was required.

18. Mandatory Penalties Complaint, USA Gasoline Corporation, San Bernardino County Order No. R8-2004-0012

Information pertaining to this item is contained in a verbatim transcript.

Kenneth Williams, Chief, Underground Storage Tank Section, presented the item.

Jeffrey Dagdigian, representing USA Petroleum, presented their findings and noted that a subsequent change in the permit requirements almost simultaneous with the enforcement action indicated they were not in violation. He asked that the Board dismiss the Penalties Complaint.

Counsel León and EO Thibeault explained that the mandatory penalty was required, and Regional Boards do not have the authority to dismiss nor to lower or divert the penalties. He further noted, however, that in the event the Discharger filed a petition with the State Board regarding the action, the Regional Board would take no action towards collection of the penalties during that time. In response to Board members' questions and comments with regard to the fairness of the mandatory penalties law, it was suggested that they bring this to the attention of their various legislators.

Action: It was moved by Member Dotson, seconded by Member Solorio and unanimously approved that the Board adopt Order No. R8-2004-0019 as presented.

19. Status Report on Rialto-Colton-Fontana Perchlorate Investigation

Ann Sturdivant, Chief of SLIC/DoD/ Section, gave the status report of the perchlorate investigation.

Steven Elie, representing Fontana Water Company and West Valley Water District, and Susan Trager, representing City of Rialto, spoke regarding investigation activities.

20. Hazardous Waste and Sewage Spill Incident Report
21. Underground Storage Tanks Site Closure Report
22. Underground Storage Tanks Corrective Action Plans
23. Quarterly Violations Report

The above reports were received as presented.

24. Executive Officer's Report

EO Thibeault reported on the City of Ontario spills update as requested at the November 2003 meeting by Member Withers. He also discussed the perchlorate issues in the Bunker Hill Basin. A recent State audit of the Regional Boards centered on SEPs and enforcement actions. Auditors found the Regional Boards behind in tracking SEPs and imposing mandatory penalties.

25. Regional Board Member Communications

There were none.

26. Closed Session

There was no closed session.

27. Adjournment

The Board was adjourned at 12:35 p.m. to the regular meeting of March 12, 2004, at 9:00 a.m., at the Orange County Sanitation District.

Respectfully submitted:

GERARD J. THIBEAULT
Executive Officer

/bjl